

**City of Georgetown
Department of Public Works
Stormwater Quality Division**



**235 West Yusen Way
Georgetown, Kentucky 40324
(502) 867-2000 • (502) 863-7813 fax**

**GEORGETOWN STORM WATER ADVISORY COMMITTEE (GSWAC)
Meeting March 14, 2011, 4:00 p.m. City Hall Council Chambers**

Minutes

Attendees: Eric Larson, Jim McClanahan, Dawn Beckley, Gene Thomas, Liz Bullock, Scott Jarvis, Richard Weekley, Abigail Rains, Amy Sohner, Larry Prather, Brent Combs, Terry Thomas, Jim Burgess.

- 1) Introductions – Larson welcomed new members Richard Weekley, Dawn Beckley, and Jim McClanahan, and Abigail Rains from KyDOW.
- 2) SWAC purpose and Stormwater Program Overview – Larson took a few moments to discuss the purpose of the committee and what the stormwater program was about.

On 10 March 2003, the City of Georgetown submitted their Clean Water Act Stormwater Quality Phase II permit to the Kentucky Division of Water. This permit is designed to improve water quality from our storm system or MS4 (Municipal Separate Storm Sewer System). The permit requires the City address six areas, or minimum control measures (MCM). The six control measures are:

- Public Education and Outreach
- Public Involvement and Participation
- Illicit Discharge Detection and Elimination
- Construction Site Storm Water Runoff Control
- Post-Construction Storm Water Management, and Pollution Prevention
- Good Housekeeping for Municipal Operations

Several tasks and activities have been identified within each control measure. The ultimate goal of each control measure is to reduce the impact storm water has on our local receiving streams, namely North Elkhorn Creek, Dry Run, Lanes Run and the Royal Springs Aquifer, which is the primary source of our drinking water.

The Stormwater Advisory Committee (SWAC) is made up of various city office department heads, local agencies, such as the Scott Co. Health Department, the Kentucky Transportation Cabinet, Bluegrass Pride, and a few citizen members. The purpose of the group is to provide the City's Stormwater Quality Division with feedback on the various programs and projects done to meet the

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6 MCMs, and help shape our program. In the future, the SWAC is likely to take on a much more important role of advocacy for the program, disseminating information to your respective groups, and defining how the program will operate.

3) Program Status

- a. GSquad ILA and XO update – Larson noted that the City and Planning Commission have officially created agreements between agencies for GSQUAD duly authorized representatives. This will help with enforcement and program implementation
- b. KyDOW presentation to City Council tonight at 6pm – Larson again introduced Abigail Rains from the KYDOW and noted she will be presenting a program overview to the City Council tonight at 6pm.
- c. Bardstown Visit March 16 – Larson noted the Georgetown has the honor of being recognized by other MS4s in the State as having an outstanding program. Wednesday, representatives from Bardstown, KY will be visited to tour our BMPs and learn about our program. This is the third time we have hosted another MS4. In the past, Warren Co. and Middlesboro have made similar visits.
- d. G-SWAC expansion – Larson noted that the Committee is growing. The committee is intended to represent the community and seeks input from a variety of perspectives. Churches represent a great volunteer base and means to communicate with the citizens. TMMK is our largest industry and we can learn from their processes, get feedback on our program, and use them to educate the public through their workforce. The schools help on two fronts, education and facility management. As the program grows, the school's insight in facility management will be helpful.
- e. St. John's School 5 Star Grant – Larson noted that the St. John's School and church are constructing a new campus on Ironworks Pike. As part of it, they are building a wetland to be used not only for the stormwater management benefits, but also for education. They have applied for a grant to help with constructing the wetland and providing educational opportunities afterwards. The City offered in-kind match for my time to educate the students and church members on site.
- f. Participation in the Small Business Administration's Small Business Regulatory Enforcement Fairness Act (SBREFA) panel for proposed stormwater rule change by US EPA – Larson stated that the EPA has initiated a national rulemaking process to establish a program to reduce stormwater discharges from new development and redevelopment and make other regulatory improvements to strengthen its stormwater program.

In September 2010, I was asked to participate in a series of outreach meetings to provide advice and recommendations to the Panel on ways the EPA may consider developing regulatory options that minimize impacts on small entities like MS4s, while still meeting statutory obligations under the Clean Water Act. The EPA asked Small Entity Representatives, like Georgetown, to provide comments on regulatory revisions they plan to propose for the Stormwater Regulations to Address Discharges from Developed Sites. EPA anticipates that this rule will affect a wide and divergent group of small entities. Generally those expected to be most directly affected include developers, owners and builders of sites such as, but not limited to, subdivisions, roadways, industrial facilities, and commercial buildings or shopping centers, as well as owners and operators of MS4s.

Georgetown was honored to be one (1) of thirty-one (31) SERs nationwide asked to provide comment. The significance of being a part of this panel was that my comments were heard directly by the heads of the US EPA, a rare opportunity to have to address those who report directly to the President of the United States.

On December 28, 2009, EPA issued a Federal Register Notice seeking stakeholder input to help EPA shape a program to reduce stormwater impacts. EPA is considering the following preliminary regulatory considerations:

- Expand the area subject to federal stormwater regulations,
- Establish specific requirements to control stormwater discharges from new development and redevelopment,
- Develop a single set of consistent stormwater requirements for all MS4s,
- Require MS4s to address stormwater discharges in areas of existing development through retrofitting the sewer system or drainage area with improved stormwater control measures,
- Explore specific stormwater provisions to protect sensitive areas.

The EPA states that the Clean Water Act (CWA) gives them the authority to develop regulations in a phased approach and evaluate progress with each permit cycle. Even with 20 years of regulation of Phase I and Phase II MS4s, EPA has determined that stormwater discharge remains to be a significant source of stream impairments. The proposed rulemaking is intended to address stormwater discharge with expanded permit requirements.

First, EPA intends to redefine the boundary of the MS4. They acknowledge that MS4s make up a small percentage (2%) of developed land mass contributing to stormwater runoff pollution. Proposals include expanding to political boundaries, automatic inclusion of all new development, including development with discharges directly to a water of the U.S., census Metropolitan Statistical Areas rather than “Urbanized areas”, watersheds, and/or possibly ALL jurisdictions. They have even suggested determining the population or impervious cover threshold that would trigger automatic inclusion in the MS4 boundary.

EPA noted increase in impervious cover, peak flow rates, and runoff volumes as contributing factors. They suggest a return to the natural hydrology of a site as the solution. You might ask how do you do that, return to the natural hydrology? They are suggesting Green Infrastructure. Most MS4 coordinators know what that means. It means managing runoff at the source with Low Impact Development (LID) techniques, such as infiltration, evapotranspiration, and harvesting / reuse. The EPA has performed research to convince us that Green Infrastructure is cost effective and will reduce pollutant loading. They even claim this will reduce urban sprawl and stimulate the economy with more jobs. The key statement they are making is “flow as a measure of stormwater loading”. Another key concept they are suggesting is Impervious Cover is a “surrogate” to Flow.

EPA is suggesting that a numeric limit of impervious cover and flow needs to be established nationwide. EPA recognizes geographical and climate differences and is considering allowing for site/permit/state specific standards. A numeric limit would apply to both new and re-development. This means mandating the need to retrofit existing developed areas. MS4s could be required to develop retrofitting plans, require redevelopment to meet the same standards as new development by constructing Best Management Practices or paying into in-

lieu fee programs, and begin capital projects to construct Post Construction Best Management Practices in existing developed areas.

The last bullet above relating to sensitive areas is related to the regulations proposed specifically for the Chesapeake Bay watershed and transportation corridors.

EPA's schedule is to have the proposed rule complete by September 2011. Final action on the rule would be November 2012. That means our next permit cycle would be required to meet these regulations.

- g. Website update – Larson noted the City is developing two websites to aid engineering and the stormwater program to get more information out to the public in a more timely matter. The two websites are:

www.georgetownengineer.com

www.georgetownstormwater.com

- h. MS4GIS integration update – Larson noted progress is still being made on developing a computerized database for the management of the program. We are probably further along than any other community in the development. Because we are so far along, it has greatly improved our annual reporting ability and save a lot of time. Beyond reporting, it has been a great tool in data collection for BMP inspections. P&Z is currently doing a round of BMP inspections with the field GPS device we bought to use the software.

4) What's left to do this Fiscal Year?

- a. Annual report due to KYDOW this month – We should be submitting before the end of the month. Everything looks good.
- b. Post Construction Water Quality Ordinance – Work is continuing on this. Please review the draft emailed out and send comments to Eric.
- c. Develop public involvement advertising method – The new website will help with this. We are continuing to improve our methods to communicate our efforts. See subcommittee reports
- d. Develop spill reporting and other IDDE releases method – See subcommittee reports.
- e. New educational materials – Contractor, Developer/Lender Tri-folds, BMP standards for grease traps and dumpster pads. – Larson shared drafts of materials developed as a result of the subcommittee meetings.

5) Subcommittee meeting results – Larson noted that the five subcommittees for the six MCM met in December and January. The group had several good ideas and has resulted in many new initiatives and ideas for this second permit cycle.

MCM 1 and 2 – Public Education and Outreach

- We should focus efforts at community events like Festival of the Horse, Kite Festival, County Fair, and Thursday Night Live.
- Do "Litter Free" events
- Promote Low Impact Development – BG Pride has a program (events May 20 and June 2)
- Continue school education through the Soil Conservation Service's Environmental Field Days
- Hold educational events at the Library
- Develop signage for vets, pet stores, parks
- Paint hardeners and paint disposal information made available at recycling
- Develop SOP for Public Notice for events
- Develop stream monitoring program

MCM 3 – IDDE

- Update ordinance for GSQUAD
- Get EMA involved in monitoring, reporting
- Prioritize areas for screening. EMA can help
- Develop SOP and flow charts for reporting in the event of a spill
- Training for screening and sampling needed

MCM 4 – Construction Runoff

- Committee notes adoption of new ordinance met many goals
- Develop flow chart for project design, review, and construction inspection
- Educational materials for contractors and developers / banks needed
- Training – Lunch and Learn
- Partner with LFUCG for their partnering conference

MCM 5 – Post Construction Best Management Practices

- Update ordinance to include maintenance agreements and enforcement
- Review ordinances for green infrastructure opportunities and obstacles
- Training for designers on the ordinance requirements
- Training for developers/owners on BMP maintenance

MCM 6 – Municipal Operations

- We have several city facilities that we need to add to our facility plan
- Build a wash station for garbage and salt trucks
- Employee training needed
- Have tour of facilities with City Council to explain what we do for water quality

- 6) SESWA Web series on Stormwater Utilities – Larson noted a series of webinars are being offered this spring by SESWA. They are all about the who, what, when, how, and why of Storm water utilities. If you are interested, let Eric know. Space is limited.

Dates are:

March 30, 2011 - Introduction

April 20, 2011 – Legal authority

May 18, 2011 – Gaining Community Acceptance

June 15, 2011 – Rate Structure, Data Collection

July 6, 2011 – Billing Systems, Enforcement

Brief discussion was held on the question, is the City of Georgetown going to implement a stormwater utility and how will they set up the rate structure. Larson stated that the concept has been discussed but has not moved forward beyond that. He further stated that a business plan for a utility was prepared and submitted with the Public Works budget request for FY 2011-2012 for consideration. Larson clarified that at this point, the implementation of a utility is an “IF” and stressed the importance that until it becomes more than that, the committee should not assume that the business plan will be adopted. The SWAC will be involved at every point in the process and will definitely have “say so” in how the program will be set up. Concerning the rate structure, Larson noted that the business plan has proposed a system similar to what most communities use, the Equivalent Rate Unit (ERU). Basically, a statistical sample of single family residence homes is taken to determine the average amount of impervious cover (in square feet) a lot would have. That becomes the ERU. All Non-SFR sites are then measured to determine how many ERUs they have. The City then defines the level of service to be provided and determines that cost. After that,

simple math determines what the dollar amount per ERU will be. It is legally defensible because it is based on actual impact, or usage, and not based on a percentage of home value or income. The question was asked if property owners can deduct utility fees from their income taxes like mortgage interest and real estate taxes. Larson noted this is a user fee, like the meter on your house for electric, water, etc. He did not think it could be deducted, but admitted he was not an expert on this and it would need to be answered by the City Attorney or Finance Director.

- 7) Budget – Outlook for FY 11-12 – Larson notes the budget for next fiscal year is about the same as last year's request, with more funding requested for capital projects and system O&M. One major difference this year is the submittal of a business plan proposal to pursue a different funding source. Competing with the General Fund is challenging and stormwater has not always been given the priority it needs. A request for a feasibility study for a stormwater utility was submitted with the budget.
- 8) Festival of the Horse “New Focus” – Sept. 30, 2011 to Oct. 2, 2011 – Larson noted that as a result of the sub-committee discussions, he made contact with the FotH coordinators and pitched the concept of a recycling program as part of the event. They have agreed to participate. As a result, next year, instead of handing out brochures from a tent or flashy buggy, we will be involved in setting out recycling containers, making signs and banners for education, and providing pick up service for vendors. We will also have a “honey wagon” to allow vendors to dispose of waste water instead of dumping it in the gutters.
- 9) Kentucky Pride Recycle Grant, KY American Water Green grant, EPA Care Grant, Kentucky Colonel's Grant – Larson noted several grant opportunities that the City is currently researching for project funding, not program funding. The KY Pride recycle grant may be able to help with funding for the Festival of the Horse event. The KAW Green Grant funds stream clean up events, hazardous waste collection, etc. The EPA Care Grant is focused on reducing toxic risks in a community and might be an opportunity for public education on medicine disposal, lawn fertilizers, pet waste, oil disposal, etc. The Ky Colonel's grant could be used for a public education campaign.
- 10) Upcoming for FY 11-12 – Larson noted that next year's efforts will be:
 - a. IDDE Ordinance update, plan update, SOP
 - b. MCM 4 staff and operator training, Develop SOP for plan review and inspection.
 - c. MCM 5 training, SOP for plan review, inspection, and O&M, EPA Scorecard.
 - d. MCM 6 training, facilities plan update, SOP for municipal operations.
- 11) Next Meeting date – June 13, 2011 4:00 pm City Hall – Topic: Prep. for Festival of the Horse, Budget Results, etc.
- 12) Adjourn at 5pm.